

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR., :  
Plaintiff, : 23-CV-5249 (JHR) (OTW)  
-against- : **ORDER**  
THE CITY OF NEW YORK, et al., :  
Defendants. :  
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**ONA T. WANG, United States Magistrate Judge:**

The Court is in receipt of ECF 101.

Plaintiff's request for an extension of time to respond to Defendants' motion for summary judgment is **GRANTED**, *nunc pro tunc*. Accordingly, it is hereby ordered:

- Plaintiff's opposition to Defendants' motion for summary judgment is due **Monday, September 16, 2024**.
- Defendants' reply is due **Monday, September 30, 2024**.

Plaintiff's request for leave to amend his complaint is **DENIED**. To the extent that Plaintiff wishes to use *new facts* learned in discovery to oppose Defendants' motion for summary judgment, it is proper for him to do so. It is not necessary that he amend his complaint to raise those new facts. If, however, Plaintiff wishes to assert *new legal claims*, as opposed to providing or pointing to evidence of liability, Plaintiff may re-file a motion for leave to amend his complaint, articulating what those new legal claims would be.

Defendants are further directed to serve a copy of this Order on *pro se* Plaintiff, and file proof of same on the docket.

**SO ORDERED.**

Dated: New York, New York  
September 10, 2024

/s/ Ona T. Wang

**Ona T. Wang**  
United States Magistrate Judge